

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

**GARRY CLAYTON, On Behalf  
of himself and all others similarly  
situated**

**PLAINTIFF**

V.

**5:07CV214JMM**

**BATESVILLE CASKET COMPANY, INC.**

**DEFENDANT**

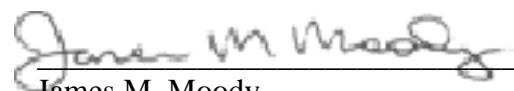
**ORDER**

Pending is Plaintiff's Revised Motion to Compel. (Docket # 106). Defendant has responded. Defendant states that it has supplied supplemental information in response to Plaintiff's discovery requests since the original responses were served and is preparing additional supplementary responses. As of the date Defendant filed its response, Defendant had not yet responded to Plaintiff's Fourth and Fifth Sets of Requests.

The Scheduling Order in this case establishes a deadline for class action discovery on December 1, 2008. Thereafter, the Court will consider Plaintiff's motion for class certification. The Court has established a merits based discovery deadline April 20, 2009. At this time, the Court will consider Plaintiff's motion to compel only with regard to those requests specifically limited to discovery necessary for determination of class.

Plaintiff is directed to prepare a supplemental brief identifying those requests limited to discovery necessary for determination of class. Plaintiff is directed to review all responses and supplemental information received from Defendant and to specify how the response and information provided is inadequate or incomplete. Defendant should file a response to Plaintiff's supplemental brief within fifteen days of receipt.

IT IS SO ORDERED this 28<sup>th</sup> day of October, 2008.

  
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James M. Moody  
United States District Judge

